

WAUKESHA COUNTY DEPARTMENT OF PARKS
& LAND USE PLANNING AND ZONING DIVISION

515 West Moreland Blvd. Room AC 230

Waukesha, Wisconsin 53188

(262) 548-7790

Website: www.waukeshacounty.gov

Fee Pd.: \$
ATF Y/N:
Receipt No.:

BOA File No.:

VARIANCES AND APPEALS FROM THE WAUKESHA COUNTY BOARD OF ADJUSTMENT

Office Use Only:
Shoreland/Floodland Protection Ordinance
County Zoning Code
Zoning District(s)
Airport Height Ordinance
Application is hereby made for a Variance and/or Appeal from the following section(s):
Road Setback
Offset
Shore Setback
Floodplain Setback
Conservancy Setback
Floor Area Ratio
Open Space
Work beyond 50% FMV
Access. Bldg. Floor Area Ratio
Min. Floor Area
Bldg. Height
Other (list)

Town
Address of Subject Property

Tax Key No(s).
Section
Legal Description

Owner
Mailing Address
City
State
Zip
Daytime Phone No.

Applicant (if different from above)
Mailing Address
City
State
Zip
Daytime Phone No.

Email address and/or fax number if you would like a copy of the staff report forwarded to you prior to the meeting:

Please list the type of project(s) and approximate date(s) of any previous variances or zoning permits on this property, if known:

Describe in detail the proposed construction/request and use:

Section 59.694 (7)(c) of the 2003-2004 Wisconsin State Statutes and Wisconsin case law (Ziervogel-McGinnity v. Washington County, Snyder v. Waukesha County) requires the petitioner to demonstrate that their request for a variance meets the following three tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary to allow a reasonable use of the property.
2. There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.
3. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.

Please explain how your variance request meets the above three tests for a variance, what special circumstances are unique to your property and which justify, in your opinion, favorable action by the Board of Adjustment (attach additional sheets if necessary):

ITEMS WHICH MUST ACCOMPANY ALL VARIANCES AND/OR APPEALS:

1. Two (2) copies of a **scaled** and **accurate** site plan/map (a plat of survey is preferred) showing the following:

A. The boundaries and dimensions of the subject property.
B. The location and dimensions of **all** existing **and** proposed structures **and** buildings on the property.
C. The location and dimensions of **all** buildings **and** structures on adjacent properties.
D. The location and centerline of **all** abutting streets.
E. The 100-year floodplain, wetland boundary, **and** the ordinary high water mark of any water body which the lot abuts.

NOTE: Maps, plans and surveys shall **not** be reduced, enlarged, or faxed as these functions alter the scale.
2. A zoning permit, cost estimate/worksheet, building plans, grading plan and/or Environmental Health approval may also be required.
3. The required filing fee, payable to the Waukesha County Department of Parks and Land Use. Once the public notice has been sent, this fee is nonrefundable.

-Application must be complete upon submittal. Once the public notice has been sent, no changes to the request may be made.

-If any changes or deviations from the original application are desired after the public notice has been sent, a new application will be required.

-Only one request (e.g., Proposal A) may be made per application form. Additional similar requests (e.g., Proposal B, Proposal C) will require separate application forms and fees for each request. The intent is that the BOA only consider one request (proposal) per application form and that multiple requests (proposals) are each considered on a separate application form.

-Submittal, and subsequent review, of this application may include a site inspection. Please advise the staff if dogs are not secured on the site and/or if dogs would be a problem during the inspection.

-Please advise the staff of any scheduling conflicts at the time of submittal, and we will attempt to accommodate your schedule.

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein (site plan/survey, building plans, exhibits, etc.) are true and accurate to the best of his or her knowledge and belief.

Signature of the Owner	Date
Signature of the Applicant	Date
Staff member receiving the application	Date

NOTES:
